IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 15.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Appeal No.2119 of 1999

1. The Government of Tamil Nadu,
   rep. by its Secretary,
   Education Department,
   Fort St. George, Madras-9.

2. The Director of School Education,
   (Elementary) College Road,
   Madras-6.

3. The District Elementary Education
   Officer, Villupuram,
   Villupuram Ramasamy Padayachi
   District.

... Appellants/Petitioners in WPMP 27704/1996

Vs.

The Head Master and Secretary,
Parent Teachers' Association,
Roman Catholic Middle School,
R.Vanathaiyan, Sathyamangalam
and post, Gingee Taluk,
Villupuram Ramasamy Padayachiar
District.

... Respondent/Respondent in WPMP No.27704/1996

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Writ appeal filed under Clause 15 of the Letters Patent against the order dated 13.08.1998 made inW.M.P.No.27704 of 1996 in W.P.No.9226 of 1995.

For Appellants : Mr.K.Elango, Spl. Govt. Pleader.

For Respondent : No appearance.

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JUDGMENT

(Order of the Court was made by P.SATHASIVAM, J.)

The above writ appeal has been filed against the order dated 13.08.1998 made in WPMP No.27704 of 1996 in W.P.No.9226 of 1995.

2. Heard the learned Special Government Pleader for appellants.

3. Before considering the order passed in WPMP No.27704 of 1996, it is useful to refer the order dated 25.07.1996 made in W.P.No.9226 of 1995. The said writ petition has been filed by the Head Master and Secretary, Parent Teachers' Association, Roman Catholic Middle School, Sathyamangalam, Gingee Taluk, Villupuram Ramasamy Padayachiar District, praying to issue a writ of mandamus directing respondents 1 to 3 to grant three aided Secondary Grade Teachers posts to the petitioner's school viz., Roman Catholic Middle School, Sathyamangalam, Gingee Taluk, Villupuram Ramasamy Padayachiar District with effect from 01.04.1994. The learned Judge, after considering the claim of both the parties and after referring the earlier decision of this Court dated 18.04.1996 made in W.P.No.21020 of 1994 etc batch cases, allowed the writ petition and directed the respondents therein to pass orders in respect of three aided Secondary Grade Teachers posts to the petitioner's Roman Catholic Middle School, Sathyamangalam, Gingee Taluk, Villupuram Ramasamy Padayachiar District, within twelve weeks from the date of receipt of the copy of that order in terms of G.O.Ms.No.340 Education dated 01.04.1992. Admittedly, against the said order, the Department has not filed any appeal before the Division Bench. However, the Department has filed miscellaneous petition in WPMP No.27704 of 1996 praying to either clarify or modify the order made in W.P.No.9226 of 1995 dated 25.07.1996. By an order dated 13.08.1998, after hearing both parties, including the Additional Government Pleader on behalf of the official respondents, the learned Judge dismissed the said petition stating that the order dated 25.07.1996 made in W.P.No.9226 of 1995 is clear enough in its content and terms.

4. We have verified the G.O.Ms.No.340 Education Department dated 1.04.1992 and the earlier order passed in the main writ petition. It is not in dispute that the learned Judge has merely directed the respondents to pass orders in respect of their claim within a period of 12 weeks in terms of G.O.Ms.No.340, Education Department dated 01.04.1992. In other words, if the writ petitioners satisfy the terms of the above mentioned Government order, they are entitled to the claim made by them. Otherwise, their representation has to be rejected. That is the reason, the learned Judge has not clarified or modified the said order even though the Department has filed miscellaneous petition viz., WPMP No.27704 of 1996. In such circumstances, we do not find any merit in the appeal filed by the

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appellants. Consequently, the writ appeal fails and the same is dismissed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary,
   Government of Tamil Nadu,
   Education Department,
   Fort St. George, Madras-9.

2. The Director of School Education,
   (Elementary) College Road,
   Madras-6.

3. The District Elementary Education
   Officer, Villupuram,
   Villupuram Ramasamy Padayachi
   District.

+1cc to the S.Umapathy, Advocate Sr 25080
+2ccs to Govt. Pleader Sr 24967, 24807

JP (CO)
km/19.6.

W.A.No.2119 of 1999

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